

BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition)	
for Restoration of Revoked)	
Certificate of:)	
)	
GEORGE V. KLEIFGEN, M.D.)	NO. L-22798
4620 Pennwood Dr.)	
Las Vegas, Nevada 89102)	
)	
Petitioner.)	
)	

DECISION

This matter came on regularly for hearing before a Panel of District 11 Medical Quality Review Committee, Board of Medical Quality Assurance, Department of Consumer Affairs, State of California, at Los Angeles, California, on November 14, 1980, at the hour of 2:00 p.m. Marguerite C. Geftakys, Administrative Law Judge of the Office of Administrative Hearings, presiding.

Panel members were:

Sherry Winters, Acting Chairperson
Josephine Hall, M.D.
William Plested, M.D.
Anna Richardson, L.V.N.
Lesther Winkler, M.D.

Holly D. Wilkens, Deputy Attorney General, represented the Attorney General. Petitioner appeared in person, without counsel, and represented himself. Documentary and oral evidence was introduced, the matter argued and submitted, and the members of the Panel proceeded to consider the matter. The Administrative Law Judge was present during the Panel's consideration of the case. The Panel finds the following facts:

I

On or about March 9, 1953, petitioner was issued Physician's and Surgeon's Certificate No. C-14611 by the Board of Medical Examiners as a result of a "Reciprocity Application - Class C." Respondent has suffered no other disciplinary action in California.

II

On August 29, 1980, petitioner filed a Petition for Restoration of Revoked or Suspended Physician's and Surgeon's Certificate; said petition is presently pending.

III

By Decision, effective June 23, 1977, in proceeding No. D-1778 before the Division of Medical Quality, Board of Medical Quality Assurance, petitioner's license was revoked pursuant to the provisions of Sections 2360 and 2363 of the Business and Professions Code by reason of the revocation on September 5, 1974 of respondent's license to practice medicine in the State of Nevada. Said revocation was based on petitioner's conviction on June 14, 1974, in a proceeding in the United States District Court Case No. LV 2767-RDF, entitled "United States of America v. George V. H. Kleifgen," for violating nine counts of making false and fraudulent statements, in violation of Title 18, Section 1001 of the United States Code, to wit: billing or submitting claims to the fiscal intermediary for the Social Security Administration for certain medical services when certain patients did not receive all or part of the services designated on the claim forms (Form SSA-1490). Said conviction was for a felony involving moral turpitude. Petitioner was incarcerated for one year and was thereafter released on parole, which terminated in September 1979.

IV

The total amount of the false billing undergirding the conviction was \$745.00 and occurred by reason of petitioner's failure to scrutinize the claims prepared by his office assistants. It is highly improbable that petitioner will permit poor business practices such as those which led to his conviction to occur in the future. If his petition is granted, respondent, who is now 63 years of age, will practice simple medicine, referring the more complicated cases.

V

Considering the time since the events for which he was disciplined and the high improbability of recidivism, the public interest would not be adversely affected by the granting of the pending petition, subject to certain terms and conditions.

* * * * *

Pursuant to the foregoing findings of fact, the Panel makes the following determination of issues:

Petitioner has been sufficiently rehabilitated to the extent that the public interest would be adequately protected by the granting of the pending petition subject to certain terms and conditions.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The Petition for Restoration of Revoked Physician's and Surgeon's Certificate No. C-14611 heretofore issued to George V. Kleifgen, M.D. is granted, provided that petitioner shall be placed on probation for a period of ten (10) years to the Division of Medical Quality on the following terms and conditions:

1. Petitioner is prohibited from engaging in solo practice.) Within 30 days of the effective date of this decision, petitioner shall submit to the Division, and receive its prior approval, for a plan of practice limited to a supervised, structured environment in which petitioner's activities will be overseen and supervised by another physician.

2. Petitioner shall obey all federal, state and local laws, and all rules governing the practice of medicine in California.

3. Petitioner shall submit quarterly declarations under penalty of perjury on forms provided by the Division, stating whether there has been compliance with all the conditions of probation.

4. Petitioner shall comply with the Division's probation surveillance program.

5. Petitioner shall appear in person for interviews with the Division's medical consultant upon request at various intervals and with reasonable notice.

6. In the event petitioner should leave California to reside or to practice outside the State, petitioner must notify in writing the Division of the dates of departure and return. Periods of residency or practice outside California will not apply to the reduction of this probationary period.

7. If Petitioner violates probation in any respect, the Division, after giving petitioner notice and the opportunity to be heard may set aside the stay order and impose the order of revocation of the petitioner's certificate.

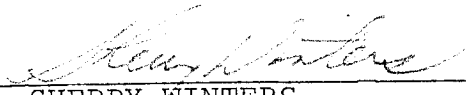
8. Upon successful completion of probation, petitioner's certificate will be fully restored.

This Decision shall become effective thirty (30) days after service thereof on the parties.

IT IS SO ORDERED this 5th day of March, 1980.

PANEL OF DISTRICT 11
MEDICAL QUALITY REVIEW COMMITTEE
DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



SHERRY WINTERS
Acting Chairperson

MCG:mh